

Serial No.: 10/807,368
Docket No.: R0043CON3
Amendment Dated May 4, 2006
Responsive to the Office Action dated February 9, 2006

REMARKS

Prior to the present Office Action, claims 1-20 were pending. Claims 14-16 are canceled, and 21-34 are added. Therefore, claims 1-13 and 17-34 are presently pending.

Claims 5 and 6 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the term "the lumen" on line 2 of claim 5 is believed unclear. However, the Examiner will note that claim 5 depends from claim 2 which does not introduce another lumen. Therefore, there is only one lumen defined in claim 5, that of the cannula. This rejection is believed obviated.

Claims 1-9 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Wilk (USPN 5,273,026). For the following reasons, this rejection is believed obviated.

Claims 10-11, 13-16, and 19 are indicated to be allowable if rewritten in independent form including all the limitations of any base and intervening claims. Accordingly, claim 13 has been incorporated into independent claim 7, which is now allowable. In addition, a number of new claims as indicated below have been added corresponding to allowable claims.

Claim 1 has been amended and is also believed to be allowable over Wilk. In particular, claim 1 now specifies a configuration for the retractor, namely, that it has a vessel cradle on a distal end having walls oriented to define a space that opens away from the central axis. When the distal end of the retractor deflects away from the central axis, the cradle receives and captures a vessel and displaces it away from the central axis. This is clearly not shown in Wilk.

Wilk discloses a laparoscopic retractor having a retractor member 14 that may be displaced axially along a tubular member 12 until a distal end thereof to deflects sideways from the tubular member at a camming surface 18 (see Fig. 2). The retractor member 14 appears to be a simple shaft, most likely cylindrical. It has some resiliency, and a terminal segment thereof may be "bent into a hook-shaped configuration... 34 or 36" as seen in phantom in Fig. 2. This arcuate bending of the terminal end of the retractor member increases displacement of a selected internal body organ. There is no further description of alternative retractor members.

Applicants assert that claim 1 as presently amended is clearly distinguishable from Wilk. The aforementioned cradle opening away from a central axis that receives and captures a vessel

Serial No.: 10/807,368
Docket No.: R0043CON3
Amendment Dated May 4, 2006
Responsive to the Office Action dated February 9, 2006

and displaces it away from the central axis is not shown or suggested in Wilk. Accordingly, Applicants assert that claims 1 and its dependent claims 2-6 and 17-20 are in condition for allowance

New independent claim 21 is a combination of claims 1 and 14 prior to this amendment.

- 5 Claim 14 was indicated to be allowable, and therefore claims 21-26 are believed to be in condition for allowance.

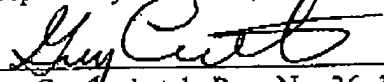
New independent claim 27 is a combination of claims 1, 18, and 19 prior to this amendment. Claim 19 was indicated to be allowable, and therefore claims 27-30 are believed to be in condition for allowance.

- 10 New independent claim 31 is a combination of claims 7 and 10 prior to this amendment. Claim 10 was indicated to be allowable, and therefore claims 31-34 are believed to be in condition for allowance.

- In accordance with the above amendments and remarks, Applicants believe that claims 1-13 and 17-34 are allowable. If there is any further hindrance to allowance of the present claims,
15 the Examiner is encouraged to contact the undersigned by telephone.

- 20 Date: May 4, 2006

Respectfully submitted,


Guy Cumberbatch, Reg. No. 36, 114
c/o Lera Vinitkaya, Reg. No. 39,448
Guidant Corporation
3200 Lakeside Dr.
Bldg. B, 3rd Floor, M/S 314
Santa Clara, CA 95054
(408) 845-1042

25